

The September 16, 2008 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall, 2 Halfmoon Town Plaza with the following members present:

Melinda W. Wormuth, Supervisor
Walter F. Polak, Councilwoman
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Town Attorney

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Supervisor led the Pledge of Allegiance.

Supervisor Wormuth opened the public hearing for the Howland Park Planned Development District at 7:01 pm. She stated Ivan Zdrahal, Ivan Zdrahal Associates will provide the presentation. She stated this project has been before the Town Board, referred to the Planning Board and has gone through a review process and the applicant is here looking for comments from the Board based on the positive recommendation from the Planning Board. She stated this is a public hearing and once the presentation is done she will allow time for the public to ask questions and make comments

Ivan Zdrahal, stated this is an application for a Planned Development District and the applicant is Leyland Development, LLC. He stated the site is approximately 150 acres and located along Johnson and McBride Roads and the proposal is for 96 residential lots. He stated the application was made in April 2006 and referred for Planning Board in 2007 and a public information meeting was held and a positive recommendation was made. He stated there was discussion with the Town Board on the public benefit and they are proposing the vertical realignment of a section of Johnson Road to remove the vertical curb and the construction cost of the re-alignment is \$183,000. He stated there are 70 lots that are in two categories with a minimum 15,000 square feet or larger and 46 lots at a minimum of 20,000 square feet or larger. He stated there is a substantial area left as preservation in the form of common open space. He stated there is approximately 88 acres of land preservation, which is almost 60% of the total project site. He stated there will be a public sewer system which will ultimately owned and operated by the Saratoga County Sewer District and will connect to existing sanitary facilities on Bent Grass Drive; the Town of Halfmoon Water District water mains will need to be extended to include this parcel and the road will be constructed in accordance to Town standards; the storm water management system will comply with Town and State standards. He stated since this is a planned development district the applicant is proposing as a public benefit the construction of a section of Johnson Road changing the vertical line to achieve acceptable site distance before the intersection of Johnson Road and McBride Road. He stated additional public benefit consists of reserving a right of way to be turned over to the Town for a public trail. He stated it would not be constructed by this project; however, it will be fully designed and permitted. He stated additional positive improvements this project will provide will be to eliminate the sharp bend on Johnson Road basically it will be a "t" intersection constructed. He stated there would be a Home Owners Association and they will own the common open space parcels he indicated on the map. He stated they have submitted a document, which outlines the proposed improvements and also provided the traffic impact information and drainage impact information.

Supervisor Wormuth opened the public hearing to the public.

Don Carola, McBride Road, stated his property is the eastern boundary of this project and he has some concerns and knows they can't stop progress and is hoping to mitigate some of the issues that will impact his family and others. He stated he is pleased to hear the intersection of McBride Road is being addressed because it is dangerous and when he read the review there was mention of reducing the speed limit and asked if that is still a possibility.

Supervisor Wormuth stated the speed limit is controlled by the State and County and, later in the meeting the Board is going to put in a request for a speed limit reduction on Pruyn Hill, Johnson and McBride Roads based on some other things. She stated the applicant doesn't have control over whether the speed limit is reduced nor does the Town.

Mr. Carola stated it is a speedway for motorcycles and fast cars and has three 90-degree turns and an “s” turn. He asked what is being done to address the other half of McBride Road, which is the bad intersection where the firehouse is. He stated if 200 cars are coming his way when people are coming from Clifton Park and making a left hand turn onto McBride is that being addressed.

The Supervisor stated right now as part of this project there is not an improvement plan to that intersection but she believes it was identified in the GEIS as a future area as the GEIS fees are collected but she will research that and get back to him at a future meeting.

Mr. Carola stated he has concern about the bike path and how close it is to his property line and who is going to maintain it, pick up the garbage, and what police will patrol it.

The Supervisor asked if it is an easement for a future path.

Mr. Zdrahal stated what is proposed is a right of way for the Town of Halfmoon for a future multiuse trail.

The Supervisor stated it isn't a proposal for an actual construction but is a right of way easement so in the future the Town would have access to the property if it chose to do it and the Town would hold informational meetings prior to it being done. She stated for this specific project the benefit is just the easement of the land over it and not for proposed construction and the easement is 30' wide.

Mr. Carola asked if that bike path did come could they push that further from his property line.

The Supervisor stated they would certainly look at that and he would be notified as an adjoining property owner within that area prior to it being done.

Mr. Carola stated he understands that the road is extremely dangerous and would be benefit to the children trying to get to the fields but he would ask when that time comes he is given some privacy fence or push it more toward the west so people wouldn't have access to his home and property. He stated he sits 400' back and does that for a reason and this gives everyone access to the back of his home and he would rather not have that. He understands they can't stop it but would like to mitigate to protect his family and is not interested in problems around his home and he looks at a bike path as a danger. He stated he asks that this Board consider anything that comes behind his house a danger to his family and try to protect him as best they can. He stated he tried to purchase the property to protect his land but that did not occur. He asked that Children at Play signs, if possible, be put up to alert people and also asked if it would be possible that construction trucks don't use this as a short cut. He stated two weeks ago he chased a 20 ton dump truck through the Town and couldn't catch him but saw his number on another truck and made a phone call and appropriate action was taken and asked if a 10-ton weight limit would be possible.

Supervisor Wormuth stated the Town can review construction entrances for projects but at this point we don't have established truck routes in Town so, based on the law, we can't limit commerce and the viability of things without establishing truck routes throughout the whole Town. She stated when the Board reviewed that in the past has found it to be an arduous and almost impossible proposition in that most people feel the exact same way he does that they don't want the trucks in their neighborhood so to put in one area versus another unless they establish the truck routes or its temporary or its for the safety of the structure of the road the Town is limited in how they can post the roads.

Mr. Carola asked that they review for the safety of the road because of 3-90 degree turns and an “s” turn and is a very dangerous road and things they can limit what comes through and should investigate. He stated he is not opposed to them coming through but just wants them to go through slow and he understands they have a job to do. He stated it takes one person like the one two weeks ago to ruin it for everyone and he is not going to have his family in danger.

He stated there is big talk about sewer and asked if that is coming on McBride Road. He stated he doesn't necessarily want it but he has neighbors and there is going to be a new home and asked if the sewer is accessible.

Supervisor Wormuth stated this project doesn't do it but could ask the attorney what it would require in order for a petition of an extension of the sewer district because there are regulations set forth by the State.

Attorney Murphy stated in order to extend the sewer to this area they would need to have a petition asking the Town to do that and, then the Comptroller sets an amount that the construction of the sewer extension cannot exceed per household for the installation and he service provided. She stated at this point in time the Town cannot meet that number but they are always looking to do that based on concerns and requests.

Mr. Carola stated his main concern is the safety of people on that road and was told his is the only road left to walk on and asked that all considerations be put into this development coming in and knows they can't stop it but hopes there are things they can do to mitigate.

Councilman Polak asked for clarification, stating he doesn't believe there is any improve to the intersection of McBride Road onto Johnson Road and asked if the improvement is on Johnson Road itself.

Mr. Zdrahal stated the improvement is on Johnson Road just before the intersection of Johnson Road and McBride Road.

Mr. Carola stated anyone going to Clifton Park is going to go the other way and when they come back they are going to come back at that firehouse and we will just hope for the best. He stated they appreciate it and wish everyone the best of luck doing it. He stated he is not a fan of the bike path and asks it gets over as far away from his property as possible and he knows the impacts.

The Supervisor closed the public hearing at 7:24 pm.

Councilman Polak stated there is an issue with Mrs. Johnson, 99 Johnson Road about a lot, they received a letter but it has to be cleaned up and they need to pacify her request.

Mr. Zdrahal stated they have met with Mrs. Johnson and she has no objection to them encroaching on her property in connection with the improvements to Johnson Road. He stated they would be providing water and sewer service to her house and installs a new driveway because once they lower the road they will have to reconstruct the driveway all the way to her garage. He stated the Johnson's own 2 parcels and she sent a letter to the Planning department basically saying she agrees with what they want to do but wants clarification.

Steve Watts, Planning Board chairman stated that Dean Taylor walked in with the letter dated today, September 16th addressed to Supervisor Wormuth.

Attorney Murphy stated for clarification, what Mr. Polak was saying is that the letter the planning department did receive from Mr. Taylor seemed to imply that in order to do the public benefit we needed to authorize some other action. She stated there was no letter from the person requesting the other action and no follow up with regard to specifically what that action was.

Supervisor Wormuth stated if they want to submit it she will forward to the attorney's and make it part of record and review it but she doesn't want to read and interrupt it here at the meeting.

Mr. Zdrahal stated that is not necessary and when he spoke with Mrs. Johnson they will be deciding the proposed services for water and sewer so if this is a parcel that could be built on they will install water and sewer service to it but if it is not they won't.

Councilman Polak stated he believes it is his issue to resolve and not the Board's because it is part of the public benefit.

Councilwoman Parker stated she has an issue with the water extension and asked if they know it's going to be okay and the cost or are they just assuming.

Attorney Murphy stated the way the PDD is proposed it is contingent upon the execution of an extension to the currently existing water district for the Town of Halfmoon. She stated there are fees associated with that and it would not be allowed to go through unless that extension was completed pursuant to the Department of Health. She stated the water department has reviewed and they are comfortable with the current facilities ability to supply water.

Councilwoman Parker asked if there is going to be an issue with the sewer

Mr. Zdrahal stated he believes there is adequate capacity in the existing lines to connect these homes.

Councilwoman Parker stated she is not happy with the HOA and they cause problems. She asked who is going to be responsible for the pond area that is marked common open space.

Mr. Zdrahal the Homeowner Association will own the common open space and the pond is on parcel "a" and the Homeowner Association will be responsible for the existing pond.

Councilman Hotaling asked, at the southwest corner at the sharp turn on Johnson Road, will there be a 3 way stop or an access road off of that corner.

Mr. Zdrahal stated he believes it will be a 3-way stop at the town roads.

Councilwoman Parker stated she is really concerned with the amount of traffic and another fatality in that area and thinks until Mrs. Johnson's issue is resolved that they shouldn't move on this evening.

Attorney Murphy stated for clarification their concern is not for protecting Mrs. Johnson's right but that the applicant has in fact represented that they may not be able to do the public benefit that they are putting forth before this Board because Mrs. Johnson has come concerns. She stated they are making sure the applicant has a viable public benefit.

Councilman Polak asked who is going to own the land preservation area when the lots cross the land preservation to get to the actual structure.

Mr. Zdrahal stated the land preservation area is a land restriction overlay and will be owned by the respective lots where it is located.

Supervisor Wormuth asked if it is through the deed restriction.

Mr. Zdrahal it is typically done by restrictive covenants once the subdivision map is filed which established the protection or the land preservation area as approved on the filed subdivision map.

Attorney Murphy stated for clarification that the deeds would reference the covenants and restrictions on each of the properties and let the possible purchaser know that the covenants and restriction are filed in the County Clerk's office.

Supervisor Wormuth stated, based on the fact there seems to be research needed, if the Board agrees, they will bring this back at a future meeting after the letter is reviewed.

The Supervisor opened the public hearing at 7:34 pm for the Expenditure of Water Capital Reserve Funds; no one wished the Notice read.

Attorney Murphy stated the Director of Water has requested that they expend funds from the Water Capital Reserve fund to purchase a trailer mounted Vacuum System in the not to exceed amount of \$35,000. She stated this equipment would be utilized by the water department to clean out valves and keep the water system functioning in the most efficient way possible and enable them not to have to dig as much when clearing a blockage. She stated this piece of equipment can also be utilized by the highway department for culvers, storm drains and any other blockage that exists in piping or transfer systems owned and operated by the Town of Halfmoon. She stated this piece of equipment is subject to bid, in a not to exceed amount of \$35,000.

There being no questions or comments the Supervisor closed the public hearing at 7:35 pm. She stated this money is available in the capital reserve fund and wouldn't result in increased debt.

RESOLUTION NO. 215

Offered by Councilwoman Parker, seconded by Councilman Hotaling, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

Whereas, the Town Board did conduct a public hearing on September 16, 2008 to consider the expenditure from the Town Water Capital Reserve Fund for the Water Department for the purchase of a trailer mounted vacuum system, and

WHEREAS, the Town Board after conducting the public hearing and having heard no opposition thereto, did pass a resolution authorizing the expenditure in the sum not to exceed Thirty-Five Thousand Dollars (\$35,000) to be used for the purchase of a trailer mounted vacuum system for the Water Department, now therefore be it resolved as follows:

1. That the expenditure from Town Water Capital Reserve Funds account for an amount not to exceed Thirty-Five Thousand Dollars (\$35,000) for the purchase of a Trailer Mounted Vacuum System for the Water Department.
2. That the expenditure of Water Capital Reserve Funds is approved subject to permissive referendum
3. That the final purchase price shall be determined based upon bids received, without further public hearing, as long as the bids do not exceed Thirty-Five Thousand Dollars (\$35,000).
- 4 That this resolution will take effect upon posting and publishing of the Resolution as required by law and expiration of the referendum period
5. That the Town Clerk is directed to post and publish a copy of this resolution as required by law.

Supervisor Wormuth the next item is a resolution to remove from the table the Brookfield Place Planned Development District, from public hearing held September 2. She stated at that meeting she notified the public she would request this be on the agenda to be removed from the table and she will make that motion.

RESOLUTION NO. 216

Offered by Supervisor Wormuth seconded by Councilwoman Parker, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board removes from the table the Brookfield Place Planned Development District from the public hearing held on September 2, 2008.

The Supervisor stated they heard from the applicant at the last meeting and received in writing a response from the applicant relative to questions that were raised and will be part of the public record and the Town Board has all been copied.

Supervisor Wormuth read the response as follows:

The Supervisor asked if the Board had comments relative to this proposed project.

Councilman Hotaling stated he has an issue with the density of traffic on Guideboard Road. He stated if there is going to be 81 houses at starting prices of \$350,000 a piece, he doesn't know of two many families where just one resident can go to work and he sees it at a lot more than just 25 cars an hour. He stated on his way here tonight he went down Harris Road, took a right on Guideboard Road at 5:15 and it took him approximately 14 minutes to come up Route 236 and back to Town Hall, and he thinks it is an issue.

Councilman Polak stated he wanted to comment on the consideration of the other parcels regarding the drainage for the wetlands areas. He stated Ivan did meet with the people on Locust Lane, resolved the Perry issue with their water, the Maxfield's and the Kennedy's across the street because their driveway actually there are times the water had no place to go. He stated he did address all the drainage and he can see where if the basin is cleaned up and the water is allowed to flow off he doesn't see any major impacts. He stated the engineers in the planning process looked at it very thoroughly. He stated there have had residents down stream on Button Road with issues and he wanted to be sure they didn't impact that area as well. He stated he did address this issue in his letter as well as some other issues.

Supervisor Wormuth commented that many of the people at the public hearing were concerned about the Town having moved away from looking at the partial sewer extension in the area as an option and, in talking to our engineers and looking at the overall area it is her understanding that the sewer would serve about 4 parcels along the way to it would actually be extended. She stated to meet the Comptroller's number for a dollar amount, even with a petition from people in the area, we would be pretty far off from the number. She stated while the extension may get us a step closer to some day being about to accomplish that. She stated she doesn't see it being a possibility anytime in the near future which is why it was her suggestion to move away from looking at that but whatever the Board's pleasure is can determine it.

Supervisor Wormuth stated she also heard loud and clear at the last meeting that people in the neighborhood felt that the dollar amount proposed by the applicant for public benefit was insignificant and she would suggest that the applicant look at the possibility of increasing that and the Board spending time looking at what specific improvements could be done.

Councilman Polak stated he had residents contact him with some questions because they couldn't determine on the map where the entrance was off of Guideboard Road and people who live to the north of the pond were questioning if they were going to see that development out their front windows. He stated due to all the wetlands the treed would remain undisturbed.

Councilman Hayner stated he disagrees with the applicant about Harris Road being wide enough for bikers, walkers, and joggers especially at the corner near W-D. He stated that is a very dangerous curve especially with adding more traffic with the amount of housing and looking at a walking trail.

Councilwoman Parker stated she is very concerned with the drainage issue and she is not sure it has been resolved enough and recently the amount of water and the far away effect has been and also agrees the safety on that road is in question.

Supervisor Wormuth stated the Board has a couple of options, one is to the applicant to review the public benefit and the applicant can chose to do that and the Board can wait for a response from him. She stated the Board could move to approve or disapprove the PDD at this point. She stated if the PDD application is denied the applicant has the right and has presented a standard subdivision which would allow 67 houses to go in and utilize 35 acres versus the 81 houses utilizing the 23 acres and the right to go back to the Planning Board and submit that should they chose to. She stated this application did to through the Planning Board and extensive review relative to traffic, storm water relative to a lot of things raised here and did get a positive recommendation from the Planning Board. She asked that the Board take all these things into consideration.

Councilman Polak recommended that they take no action tonight, certainly the applicant has heard new questions tonight and thinks in fairness they give him the opportunity to respond to the Supervisor or the Board. He stated they could give him a couple of weeks to get back to us.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling reported that he would like everyone to take extra time driving because we will start getting foggy mornings and watch for the kids getting on and off the bus and people walking.

Councilwoman Parker reported that the Fall Clean Up started today and will continue this week and then again next week.

She stated the Town park is underway, the recreational fields are almost finished and they will start laying down sod and, everything should be finished by the end of September as far as the fields are concerned; the recreational building the forms have been poured and the slab will be poured this week, the excavation for the maintenance building will be started tomorrow. She stated they are trying to stay on schedule but Mother Nature rules that.

The Supervisor stated the tentative schedule that was developed for the park had an earlier start date so based on when we started and where we are at now Mrs. Parker's report reflects that if we adjusted everything to that current start date we are on time and still under budget on the project. She stated all of the contractors are working diligently to catch up on any time we may have missed in the delay of the project. She stated the sodding of the fields would allow the establishment of it and the completion of the parks 18 months from when it started.

Councilman Hayner reported that on September 8th bids were officially let out for the Crescent Park Trail and they will be opened September 29th.

Attorney Murphy stated she would like to ask the Board to vote on a resolution to appoint Dorothy Bennie as a Dog Enumerator to be compensated at a rate of \$1.50 per household successfully visited. She stated as the Board is aware they have had the Dog Enumerator position in the past in an effort to insure that all the dogs owned in the Town are properly license therefore properly vaccinated.

RESOLUTION NO. 217

Offered by Councilwoman Parker, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board appoints Dorothy Bennie as Dog Enumerator for the Town of Halfmoon effective immediately, to be paid \$1.50 per household successfully visited.

The Supervisor stated she would like to share a memo from Mr. Watts, Planning Board Chairman relative to traffic and safety issues. She stated at the September 8th Planning Board meeting many residents expressed various concerns on Pruyn Hill Road and the surrounding areas, which they will identify to include Johnson Road and McBride Road. She stated these issues were heightened and brought to everyone's awareness by the recent fatality on Pruyn Hill Road. She stated she is asking the Board to pass a resolution to submit for a speed limit review for possible reduction.

RESOLUTION NO. 218

Offered by Councilwoman Parker, seconded by Councilman Hayner, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes to request the Commissioner of Public Works in the County of Saratoga and the Department of Transportation to study Pruyn Hill Road, Johnson Road and McBride Road for a possible speed limit reduction, and further

RESOLVED, that the Town Board authorizes the Town Clerk to send the necessary paperwork to the appropriate divisions.

Supervisor Wormuth thanked the public and everyone who participated in the 9-11 ceremony last week. She stated it was a wonderful ceremony and a great opportunity to come together as a community.

The Supervisor opened public privilege for discussion of agenda topics; no one had questions or comments.

DEPARTMENT REPORTS –month of August

1. Town Clerk

Total fees remitted to the Supervisor - \$8,815.49

Filed.

2. Building

Total permits -99 Total fees remitted to the Supervisor - \$17,832.

Filed.

3. Fire Code

Total permits- 28 Total fees remitted to the Supervisor - \$1,161.

Filed

4. Town Justice Tollisen

Total cases – 669 Total fees remitted to the Supervisor - \$25,896.

Filed.

5. Senior Express

Total # of Riders - 327 Total # of Meals- 459

CORRESPONDENCE

1. Received from State of New York, Department of State notification of receipt and filing of Local Law No. 3-2008, Halfmoon Healthcare and Biomedical Research Campus.

RESOLUTION NO. 219

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated September 16, 2008, totaling: \$303,719.56

Offered by Councilman Polak, seconded by Councilman Hotaling, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLUTION NO. 221

RESOLVED, that the Town Board authorizes the Supervisor to make the following Creation of Appropriations:

Debit:	Estimated Revenues	25-510	\$23,206.10
	Subsidiary: 25-4-2189 Home & Community Services		\$23,206.10
Credit:	Appropriations	25-960	\$23,206.10
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$23,206.10

NAME	AMOUNT
Abele PDD-Sheldon Hills	\$1,524.16
Abele PDD-Sheldon Hills Insp	8,733.44
Hudson Ridge PDD	386.00
Bank of America	874.05
Brookfield Place	644.00
John Deere/Casale	269.25
I Love NY Pizza	909.25
Klersy Major Subd	128.00
Plant Road PDD	269.25
Schuyler Hollow	1,150.50
Stone Crest Preserve Insp	3,719.34
Abele PDD-Sheldon Hills PhII Insp	4,338.86
Howland PDD	260.00
TOTAL	\$23,206.10

DEBIT:	Estimated Revenues	10-510	\$16,865
	Subsidiary:	10-4-3089 – Other General Government State Aid -	\$16,865
CREDIT:	Appropriations	10-960	\$16,865
	Subsidiary:	10-5-8020.20 – Planning Equipment -	\$16,865

DEBIT:	Estimated Revenues	10-510	\$18,550
	Subsidiary:	10-4-3089 – Other General Government State Aid	- \$18,550
CREDIT:	Appropriations	10-960	\$18,550
	Subsidiary:	10-5-3310.20 – Traffic Control Signs Equipment	- \$18,550

The Supervisor stated, relative to the next item, that the code enforcement office continues to work diligently with each of our mobile home parks and communities.

RESOLUTION NO. 222

Offered by Councilman Polak, seconded by Councilman Hayner, Adopted by vote of the Board:
Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes renewal of the Plank Road Mobile Home Park and Vosburgh Road Mobile Home Park licensees for the 2008-2009 licensing year, per inspection and approval of the Code Enforcement office.

RESOLUTION NO. 223

Offered by Councilman Hotaling, seconded by Councilwoman Parker, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board set a special Town Board meeting for October 3 at 3:00 pm for the purpose of submitting the 2009 Tentative Town Budget to the Town Board in compliance with General Municipal Law.

RESOLUTION NO. 224

Offered by Councilman Hayner, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board appoints Kathy Dougherty as part-time Account Clerk typist in the Finance Office to be paid \$12.22 per hour effective immediately.

The Supervisor stated, relative to the next item, the wide format scanner printer will have several uses in the Town both for the Planning department, Assessor's office, Water department and the Grants office. She stated the Town did obtain a grant for this

RESOLUTION NO. 225

Offered by Councilman Hotaling, seconded by Councilman Hayner, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes letting bids for a Wide Format Scanner, Printer and related software and training, to be opened October 6, 2008 at 2:00 pm.

Supervisor Wormuth stated the next resolution comes from the Small Cities Grant the Town received and a requirement is that we have a Fair Housing Officer. She stated a suggestion based on a State Audit was that the appointment be by title and not by name.

RESOLUTION NO. 226

Offered by Councilwoman Parker, seconded by Councilman Hotaling, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board appoint the Town Supervisor to serve as the Fair Housing Officer for the Town of Halfmoon.

Supervisor Wormuth stated relative to the next item that because there is a grant associated with this and money set aside the Town had to go back to the Department of Transportation and authorize and increase for not only additional construction costs but also additional engineering costs. She stated at the time the resolution was done it didn't authorize payment to the engineers, Clough Harbour.

RESOLUTION NO. 227

Offered by Councilman Hayner, seconded by Councilman Hotaling, Adopted by vote of the Board: Ayes: Wormuth, Parker, Hotaling, Hayner Abstain: Polak

RESOLVED, that the Town Board authorizes the Town to increase Clough, Harbour & Associates Preliminary Engineering contract for Supplemental Agreement #1 with the

Department of Transportation for the Canal Road Trail project in the additional amount of \$70,000.

RESOLUTION NO. 228

Offered by Councilman Hayner, seconded by Councilman Hotaling, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves Change Order No. 1, Shaker Flats Landscaping, Inc. for Champlain Canal Trail, Phase I Improvements in the deduct amount of \$19,929.19.

RESOLUTION NO. 229

Offered by Councilwoman Parker, seconded by Councilman Hayner, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes waiving the Town purchasing policy for the purpose of purchasing two additional stucco signs, per Spec. #6-2007, for Town of Halfmoon Stucco Monument Signs from Empire Signs & Graphics in the total amount of \$17,000.

RESOLUTION NO. 230

Offered by Councilwoman Parker, seconded by Councilman Polak, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Supervisor to execute agreement, with respect to sale of a modular building, between Shenendehowa Central School District and the Town in the not to exceed amount of \$35,000.

Supervisor Wormuth opened public privilege for discussion of non-agenda items.

Tom Sarris, Manchester Drive, stated he wanted to reiterate and enforce the fact that there are issues that need to be addressed. He stated the home across the street is horrendous and he supplied pictures of the vehicles and the yards. He stated the home on Woodin Road is an illegal dumpsite and junkyard and is disgusting. He stated he hopes the Board proceeds with the amendment he requested last month to put some sort of ordinance in.

Bruce Tanski, Clifton Park, stated he would like the Board to consider setting up a committee look at some of the trail systems in developments. He stated he sees a long-term effect of not being taken care of. He stated he would like to see a situation where the Town would offer the builder a certain amount of money to put the trail in and maybe blacktop. He stated some of the trails are overrun by weeds. He offered to spearhead the committee.

Supervisor Wormuth thanked Mr. Tanski and stated the Town currently has a Trails Master Plan and a Trails committee that works on it and she will share his thoughts with them. She stated the parks department maintains the trails and they do have a standard set up that the Town Board can review as well as the Trails committee. She stated she agrees there are trails the Town has not taken ownership yet in developments that are still under the ownership of the developers and they are in very poor shape. She stated the Town is working to address those on an individual basis and we do have a trail system in the new park that is being developed and they can take his comments under consideration.

Attorney Murphy stated she is putting forth a request based on a request from a developer who has received approval from DEC that an approval from Saratoga County Sewer District saying if it is okay with the Town of Halfmoon it is okay with the sewer district for a temporary storage tank be utilized for the affluent for three homes located in the Arlington Heights development. She stated there is a pump station that has been completed to service the development but because of the placement of the pump station it currently does not have electricity. She stated until the electricity gets to the pump station these homes cannot hook in to sewer system themselves. She stated any resolution permitting that would be conditioned upon the pumping schedule as proposed by the engineer for the applicant and approved by the Town engineer.

RESOLUTION NO. 231

Offered by Councilman Polak, seconded by Councilman Hotaling, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

WHEREAS, the Arlington Heights Planned Development District located on Farm to Market Road was approved by the Town Board of the Town of Halfmoon as Local Law No. 6 of 1999; and

WHEREAS, the Planned Development District, as approved, permits the Town Board to modify any of the provisions of this Local Law upon request of the applicant upon such terms as the Town Board shall determine to be reasonable; and

WHEREAS, the applicant for the Arlington Heights Planned Development District has requested that the local law be amended to permit temporary on-site storage of domestic sanitary effluent for the residence located at 31 Gladstone Circle, the residence located at 41 Gladstone Circle, and the model home located at 3 Chantry Boulevard subject to the submission and approval of a pumping schedule to the Town Engineers; and

WHEREAS, the Town Board of the Town of Halfmoon is desirous of ensuring the health, safety and well being of the citizens of the Town of Halfmoon; and

WHEREAS, the Town Board understands that permitting a safe and reliable method for disposing of sewer promotes the health, safety, and well being of the citizens of the Town of Halfmoon; and

WHEREAS, the applicant is unable to hook into the Saratoga County Sewer District #1 until the appropriate electrical service has been provided to the pump station located in the Planned Development District; and

WHEREAS, the Town of Halfmoon is in receipt of a letter dated September 15, 2008 from the New York State Department of Environmental Conservation granting approval to utilize the pump station that has been constructed for this development and is waiting for electric service as a temporary storage facility conditioned upon the developer monitoring the wastewater volume in the wet well on a daily basis and having a certified waste hauler pump out the waste water whenever it reaches 50% of the two thousand five hundred seventy five gallon storage capacity; now be it hereby

RESOLVED, that the Town of Halfmoon hereby permits temporary on-site storage of domestic sanitary effluent for the residence located at 31 Gladstone Circle, the residence located at 41 Gladstone Circle, and the model home located at 3 Chantry Boulevard subject to the submission of a pumping schedule consistent with the conditions of the approval by the New York State Department of Environmental Conservation to the Town Engineers; and it is further

RESOLVED, that all other provisions of the Arlington Heights Planned Development District Local Law number 6 of 1999 shall remain in full force and effect; and it is further

RESOLVED, that the applicant must hook into the Saratoga County Sewer District #1 as soon as practical after receipt of electricity to the pump station.

There being no further business to discuss or resolve on motion of Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

